

CONSERVATION COMMISSION
REGULAR MEETING APRIL 21, 2009

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:02 p.m. and noted Commissioners Byer, Igielski, Pappa and Shapiro were present. Also present were Alternates Turgeon and Harlow and Mr. Anthony Ferraro, Town Engineer and Mr. Chris Greenlaw, Engineering Department.

NOTE: Chairman Block designated that Alternate Harlow would vote for Commissioner Woods and Alternate Turgeon would vote for the vacant position.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of March 21, 2009

Motion made by Commissioner Igielski to accept the minutes and was seconded by Commissioner Pappa. There was no discussion. Vote was 6 yes, 0 no, 1 abstentions (Pappa) and the motion was carried.

ITEM IV
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA
APPLICATION 2009-01 for 25 Stonewall Court

Mr. Anthony Ferraro, Town Engineer, entered the following remarks into the record:

- A. The proposal is to construct an (above ground) swimming pool in the rear yard area of the property in the vicinity of an existing wetland.
- B. The boundary line for the 100 foot upland review extends to the front of the property.
- C. The pool location has been moved back (from the wetland) as far as possible and would lie just outside of the 50 foot (zoning) buffer.

Mr. Joe VanGorder, 25 Stonewall Court, advised the Commission that he was the applicant.

Chairman Block asked Mr. Ferraro if he had anything else to add (into the record)? Mr. Ferraro responded no.

Commissioner Igielski asked for the location of the filtration system? Mr. VanGorder responded between the house and shed (system is exposed and near pool).

Chairman Block asked the following questions:

- A. Where will the backwash from the pool discharge? Mr. VanGorder responded into a garbage type barrel on wheels that would be emptied into a deep sink (in the house).
- B. Has the applicant ever owned a pool? Mr. VanGorder responded three (3) pools (listen to audio tape for explanation of locations).
- C. Would there be a problem if the back wash water was discharged down near the drainage right of way at the wood line? Mr. VanGorder responded no.

It was the consensus of Commission members to carry the item over to the May meeting.

ITEM VB

APPLICATION 2009-02 for 3066 Berlin Turnpike

Mr. Ferraro entered the following remarks into the record:

- A. The application is a request for a Map Amendment and per the Regulations will require a public hearing.
- B. Mr. Alan Bongiovanni is the applicant.

Mr. Alan Bongiovanni, 170 Pane Road the applicant, entered the following remarks into the record:

- A. The request is to define the actual wetland boundary limits in the field (by a soil scientist).
- B. The work was done by Soil Environmental Services, who has developed a report of its findings.
- C. The Commission (in his opinion) has set the stage for this application by the adoption of the wetland boundary limits on the property to the north.

Alternate Harlow noted that per the Regulations, the Commission has the right to retain the services of a soil scientist at the expense of the applicant to verify the findings of the applicant's soil scientist in the field.

Mr. Bogiovanni said he had no problem in complying with this requirement of the Regulations.

Mr. Ferraro noted for the record that the authorization for this request is contained in Section 19b of the Regulations under Supplemental Fees.

Motion, made by Alternate Harlow that under Section 19b of the Regulations the Commission shall obtain the services of a soil scientist to determine the wetland boundary limits in the field. The applicant has agreed to pay for said services. Motion seconded by Commissioner Byer. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Alternate Harlow asked if the applicant had permission from the property owner to submit the application. Mr. Bongiovanni said the documentation would be provided.

Motion made by Commissioner Igielski that per Section 15.7 of the Regulations a public hearing be held on Application 2009-02 (Map Amendment for 3066 Berlin Turnpike) be held at 7:00 p.m. on May 19, 2009 in the E. Curtis Ambler Room, Town Hall. Motion seconded by Alternate Harlow. There was no discussion. Vote was 7 yes, 0 no and the motion was carried

ITEM VC

APPLICATION 2009-03 for 766 North Mountain Road

Mr. Ferraro entered the following remarks into the record:

- A. The proposal is to build a garage on the property.
- B. There are no wetlands shown on the site plan. However, there are wetlands along the rear property line.
- C. The 100 foot upland review line is shown on the site plan.

Mr. Carlos Susaya advised the Commission that he was the applicant.

Chairman Block asked the following questions:

- A. Does the applicant run a business from the property? M Susaya responded yes, a contracting business.
- B. What is under the piles of material shown on the site plan in the vicinity of the rear property line? Mr. Susaya responded black top (bituminous concrete).
- C. What would be stored in the garage? Mr. Susaya responded small equipment.

- D. Would repairs take place in the garage? Mr. Susaya responded only maintenance of equipment.
- E. Would the garage be serviced by (public) water and sewer? Mr. Susaya responded yes.
- F. The site plan does not show an oil separator; should there be one on the plan? Mr. Susaya responded there probably should one because there is a floor drain in the building.

Alternate Harlow asked for a brief history of the property? Mr. Susaya responded that he bought the property about eight (8) years ago and the pavement was there on the site.

Mr. Ferraro noted that he could not find a (previous) permit.

Alternate Harlow said that the Commission should look into mitigation at this time.

Mr. Ferraro noted that following a review of the Permit Map (that shows a listing of permits issue by the Commission) he could not find a permit for the property.

Chairman Block suggested that the piles of materials (currently stored on the rear of the property) be moved forward and the area be restored.

Commissioner Pappa asked what is the problem of leaving the material at the existing locations? Chairman Block responded the existing material can cause a silting problem and when combined with the pavement poses a detriment to the wetland.

Mr. Ferraro asked the applicant what was his intent relevant to moving the stock piles of material? Mr. Susaya responded it would be his intention to move the westerly pile forward.

It was the consensus of Commission members to carry the item over to the May meeting.

ITEM

APPLICATION 2009-04 for 90 Wells Drive North

Mr. Ferraro entered the following remarks into the record:

- A. The proposal is to construct an elderly housing complex on a newly created lot (from open area having frontage on Wells Drive and Wells Drive North).
- B. The New Samaritan Corporation is the applicant..

Mr. Paul Selnu architect with Henry Schader Associates, Farmington CT and representing the applicant entered the following remarks into the record:

- A. The applicant would enter into a long term lease for the property with the Town for senior housing.
- B. The project has been under discussion with the Town.
- C. The final location of the project site would be at the north end of the open area where the existing local TV station is located.

Mr. James LeBlanc, Landscape Architect with TO Design Inc., New Britain, CT entered the following remarks into the record:

- A. All (surface and building) run off from the site will go into Mill Brook.
- B. The drainage patterns on the site would not change.
- C. The surface run off would be collected into an on site enclosed drainage system that would flow through a particle separator unit (80 percent removal) into an under ground storm water detention system and from the detention system out to Mill Brook. The peak flow(s) would not be greater than existing flow(s) from the site.
- D. The roof run off from the front of the building would flow in an enclosed system into the on site drainage system.
- E. The roof run off from the rear of the building would flow into a separate drainage system and out flow into Mill Brook.

Mr. LeBlanc located and described the wetland boundary limits and upland review limits that were depicted on the plan (listen to audio tape for the details of his remarks).

Alternate Harlow asked if the parcel of land was in a FEMA flood zone? Mr. Ferraro responded no.

Mr. Selnu noted that the lawn area would be filled in.

Chairman Block asked how it was determined where to locate the structure within the vacant area? Mr. Selnu responded per input from the Town and property owners. The lot is about two (2) acres in size.

Chairman Block said the building is shoe horned in against the wetland.

Mr. Ferraro noted the location was determined by the Town, applicant and Housing Authority.

Chairman Block asked what would be the problem to relocate the building away from the wetland? Mr. Selnu noted the original plan showed the building up front. The final location preserves open space, satisfies the residents and maintains parking.

Commissioner Pappa asked if the site would connect into Mill Street (Extension)? Mr. Selnu responded yes. He also noted that there would be no access from Wells Drive North as exists today.

Alternate Harlow asked who would demolish the existing structure? Mr. Ferraro responded the Town. He also noted that the Town would seek grant money to extend Mill Street (Extension) to the boundary line of the new (land) parcel.

Commissioner Pappa asked if the building was located in the buffer (upland review) area? Mr. Selnu responded no.

Commissioner Block asked what would happen if the building was rotated? Mr. Selnu responded more impacts within the buffer (upland review) area.

Chairman Block asked for more information on the detention system for on site drainage system? Listen to audio tape for details of the discussion.

Alternate Harlow asked how many units? Mr. Selnu responded 32 units.

It was the consensus of Commission members to carry the item over to the May meeting.

Commission went into recess at 8:01 p.m.

Commission came out of recess at 8:10 p.m.

ITEM VI A

Revisions to the Internal Rules and Procedures

Mr. Ferraro said the changes he received were incorporated into an updated copy of the Internal Rules and Procedures. A copy was passed out to each Commission member.

Commissioner Igielski proceeded to review page by page the proposed changes to the existing Internal Rules and Procedures (listen to audio tape for the details of his presentation).

It was the consensus of Commission members to carry the item over to the May meeting.

ITEM VI B

Permit 2006-26, Update by Mr. Michael Frisbie

Mr. Ferraro entered the following remarks into the record:

- A. Mr. Frisbie (who was not present) requested that the item be put on the agenda so that he could bring the Commission up to date on the status of the project.

- B. A condition of the wetland permit required the applicant prior to starting (physical) work on the site to come back with his blasting contractor to review the scope work (blasting).
- C. The TP&Z Commission denied Mr. Frisbie's request to re-phase the scope of work (approved under its permit).

Chairman Block noted the clock is still running on the Commission permit (by letter) since the building was knocked down. Work under the TP&Z permit does not begin until grading starts on the site.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Ferraro reported that a "Cease and Desist Order" was issued for property located at 1164 Willard Avenue. A contractor was hired to install pipe and a retaining wall (Headwall) within an existing watercourse. No further work has been done and the property owner would hire an engineer to come up with a plan. There was a general discussion among Commission members if the Commission might have the right to levy a fine for the violation (listen to audio tape for details of the discussion).

Motion made by Commissioner Shapiro to adjourn meeting at 9:45 p.m. and was seconded by Alternate Harlow. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairperson, Town Plan and Zoning Commission
Anthony Ferraro, Town Engineer
Ben Ancona Jr., Esquire, Town Attorney
Lucy Robbins Wells Library (2)